THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8957 OF 2005

DATED:20-08-2007

BETWEEN:

S.N.V.Shiva Kumar Raju.

.....
PETITIONER

AND

The Station House Officer,
Ravulapalem,
East Godavari District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the respondents in not investigating into Cr.No.187 of 2004 of Ravulapalem police station, East Godavari District, as illegal, and arbitrary.

3. The only grievance of the petitioner is that the respondents are not at all investigating Cr.No.187 of 2004 of Ravulapalem police station, West Godavari District in accordance with law and there is no justification in not completing the investigation.

4. Learned Government Pleader submits that the investigation in the said crime has been completed and after obtaining sanction to refer the case as 'Action Dropped' vide proceedings, dated 01-06-2002, from the Sub-Divisional Officer, the final report is said to have been filed on
04-08-2007 before the Mandal Executive Magistrate at Ravulapalem, but however, as the case was registered under
Section 174 Cr.P.C., I am of the opinion that the final report is to be filed before the concerned Judicial First Class Magistrate,

Eluru, also and it is for the concerned Court to consider the final report and pass appropriate orders under
Section 159 Cr.P.C., Apart from that, petitioner also has got a right or remedy of filing private complaint if he is aggrieved by the said final report apart from filing a protest application.

5. In view of the aforesaid facts and circumstances of the case, 1st respondent is directed to file final report before the Additional Judicial First Class Magistrate, Eluru after service of notice enclosing the copy of final report to the petitioner so as to enable him to take appropriate action.

6. Accordingly, Writ Petition is disposed of as indicated above. There shall be no order as to costs.

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V.ESWARAIAH,J

20th August, 2007.
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